

REMARKS

A "Request And Fee For Extension Of Time" to extend the due date for response by one month and a check (\$110) to cover the fee payment for such an extension are filed concurrently with this Preliminary Amendment. This Preliminary Amendment is submitted as being responsive to the Office Action mailed on January 12, 1995 in the parent application.

In paragraph 4, claims 1-3, 5-8 and 35-36 were indicated as being finally rejected under 35 U.S.C. § 102(b) as being anticipated by Sasaki et al., U.S. Patent No. 5,034,804 in view of Kobayashi et al., U.S. Patent No. 5,274,457. The undersigned counsel respectfully submits that the recitation of a rejection under 35 U.S.C. § 102(b) is in error and inadvertent.

Undersigned Counsel assumes, however, that the Examiners were referring rather to 35 U.S.C. § 103 as the basis for the rejection based upon the language of the rejection and the language used in paragraph #3 of the Office Action.

Accordingly, undersigned counsel believes that the contemplated rejection should read as follows: "Claims 1-3, 5-8 and 35-36 are rejected under 35 U.S.C. § 103 as being unpatentable over Sasaki et al., U.S. Patent No. 5,034,804 in view of Kobayashi et al., U.S. Patent No. 5,274,457." Based upon the above, the rejections, particularly of independent claims 1, 7 and 35, are respectfully traversed and reconsideration is requested.

Independent claim 1, as amended, recites:

An image pickup apparatus, comprising:

- (a) image pickup means;
- (b) first memory means capable of storing an image signal outputted from said image pickup means and condition information representing a condition in which the image signal is picked up by said image pickup means;
- (c) second memory means capable of storing the image signal outputted from said image pickup means and the condition information, said second memory means being detachably attached to said apparatus; and
- (d) control means for controlling the condition information so as to be copied from said second memory means to said first memory means in order to control the condition of the image signal pickup by using the condition information.

Independent claim 7 has also been similarly amended.

Independent claims 1 and 7 are directed to condition information being copied from second memory means to first memory means and a pickup condition being controlled by the copied condition information. Thus, for example, if the capacity of second memory means is used up during the pickup operation, the condition information normally stored in second memory means can be copied to first memory means and second memory means can be replaced so as to provide an additional new capacity so that the condition information can be copied from first memory means to the new second memory means. In this way, it is possible to continue the pickup operation without getting

the condition information again even after the replacement of second memory means.

In the rejections, the Examiners state that:

[i]t would have been obvious to one of ordinary skill in the art at the time of the invention, to include the transferring additional information such as an operational characteristics of the camera onto or from the optical disk camera, which is a second memory as shown by Kobayashi, in the CPU 241 of Sasaki, so that the conditional information can be copied from the second memory to the first memory, to provide additional freedom of transferring data stored in the memory.

However, neither the Sasaki et al. reference nor the Kobayashi et al. reference, either alone or in alleged combination, disclose or suggest image pickup apparatus, as claimed in claims 1 and 7 or the electronic apparatus, as claimed in claim 35.

Rather with respect to the Sasaki et al. and Kobayashi et al. references, condition information such as luminance data at the time of pickup memorized in a detachable memory medium is read out and memorized in the memory in the main body of the device. When the picture image data memorized in the memory medium is reproduced, the condition information is used for reproduction. Neither the Sasaki et al. reference nor the Kobayashi et al. reference disclose that a pickup condition is controlled by using condition information, as claimed in claims 1 and 7.

With respect to independent claim 35, as amended, it now recites:

An electronic apparatus comprising:

- (a) signal inputting means;
- (b) first memory means capable of storing a first signal output from said signal inputting means and a second signal representing a condition in which the first signal is inputted by said signal inputting means;
- (c) second memory means capable of storing the first signal and the second signal, said second memory means being detachably attached to said apparatus; and
- (d) control means for controlling said second signal so as to be copied from said second memory means to said first memory means and for controlling said signal inputting means so as to input said first signal by using said second signal.

Independent claim 35 is directed to a second signal indicating a condition under which a first signal is input is copied from second memory means to first memory means and the first signal is input by using the second signal. Thus, the second signal normally stored in second memory means is copied to first memory means and second memory means is replaced so as to provide an additional new capacity so that the second signal can be copied from first memory means to the new second memory means. In this way, it is possible to continue the inputting operation without getting the condition information again even after the replacement of second memory means. Neither the Sasaki et al. reference nor the Kobayashi et al. reference disclose or suggest such an operation nor do the references

disclose a first signal being input by using a second signal indicating the input condition of the first signal.

Accordingly, independent claims 1, 7 and 35 are submitted as patentable insofar as the references, either alone or in alleged combination, fail to disclose or suggest the express content of the claims within the meaning of Section 103.

With respect to newly added independent claim 37, the prior art fails to disclose an image pickup apparatus comprising memory means capable of storing an image signal output from image pickup means and condition information representing a condition in which the image signal is picked up by image pickup means and being detachably attached to the apparatus and control means for controlling image pickup means so as to allow image pick up by using the condition information stored in memory means. More particularly, the prior art fails to disclose a pickup being performed by using condition information indicating the condition of the pickup memorized in memory means detachably attached to the device.

Reliance is placed on In re Fine, 5 U.S.P.Q. 2d 1596, 1600 (Fed. Cir. 1988) and Ex parte Kochan, 131 U.S.P.Q. 204 (Bd. App. 1960) for allowance of the dependent claims, since they differ in scope from parent independent claims which are submitted as patentable.

Patentability of the claims is believed to have been established. Accordingly, it is submitted that this application is now in condition for allowance, except for the filing of

formal drawings. Indication to that effect is respectfully solicited.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone the undersigned counsel for applicants at (212) 682-9640.

Respectfully submitted,



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